

REMARKS

In the final Office Action, the Examiner rejected claims 1, 6-11, 24, 25, 29-40, 60, 61, 64-68, and 78 under 35 U.S.C. § 101 as directed to nonstatutory subject matter; rejected claims 1, 6-12, 17-22, 24, 25, 29-40, 42, 45-58, 60, 61, 64-69, 72-76, 78, 79, and 83-89 under 35 U.S.C. § 102(e) as anticipated by Zha et al. (U.S. Patent No. 7,028,027); and rejected claims 1, 12, 25, 42, 61, 69, and 78 as unpatentable on the ground of nonstatutory obviousness-type double patenting over claims 5, 18, 30, 52, 75, 87, and 100 of co-pending Application No. 10/407,476 in view of Zha et al.

By this Amendment, Applicants cancel claims 1, 6-11, 17, 24, 34, 51, 52, 60, 78, and 83-89, without prejudice or disclaimer of the subject matter thereof, amend claims 12, 18-22, 25, 29, 30, 32, 33, 35, 36, 38-40, 42, 45-47, 49, 50, 53, 55, 57, 58, 61, 64-67, 69, 72, 74, and 79 to improve form, and add new claim 90. Applicants previously canceled claims 2-5, 13-16, 23, 26-28, 41, 43, 44, 59, 62, 63, 70, 71, 77, and 80-82, without prejudice or disclaimer of the subject matter thereof. Applicants respectfully traverse the Examiner's double patenting rejection and the rejections under 35 U.S.C. §§ 101 and 102. Claims 12, 18-22, 25, 29-33, 35-40, 42, 45-50, 53-58, 61, 64-69, 72-76, 79, and 90 are pending.

REJECTION UNDER SECTION 101

In paragraph 1 of the final Office Action, the Examiner rejected pending claims 25, 29-33, 35-40, 61, and 64-68 under 35 U.S.C. § 101 as allegedly being directed to nonstatutory subject matter.

Without acquiescing in the Examiner's rejection and solely in an attempt to expedite prosecution, Applicants have amended independent claims 25 and 61 to recite a memory and a

processor. Claims 25 (and corresponding dependent claims 29-33 and 35-40) and 61 (and corresponding dependent claims 64-68) are clearly directed to the statutory class of machine and these hardware elements clearly obviate the Examiner's allegation of "software per se."

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 25, 29-33, 35-40, 61, and 64-68 under 35 U.S.C. § 101.

REJECTION UNDER SECTION 102(e) BASED ON ZHA ET AL.

In paragraph 3 of the final Office Action, the Examiner rejected pending claims 12, 18-22, 25, 29-33, 35-40, 42, 45-50, 53-58, 61, 64-69, 72-76, and 79 under 35 U.S.C. § 102(e) as allegedly anticipated by Zha et al. Applicants respectfully traverse the rejection with regard to pending claims 12, 18-22, 25, 29-33, 35-40, 42, 45-50, 53-58, 61, 64-69, 72-76, and 79.

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention. Any feature not directly taught must be inherently present. In other words, the identical invention must be shown in as complete detail as contained in the claim. See M.P.E.P. § 2131. Zha et al. does not disclose the combination of features recited in claims 12, 18-22, 25, 29-33, 35-40, 42, 45-50, 53-58, 61, 64-69, 72-76, and 79.

Amended independent claim 12, for example, is directed to a method that comprises receiving a search query; performing a search based on the search query to identify search results from a plurality of search result countries; identifying a particular country for the search results based on interface characteristics and Internet protocol (IP) characteristics, where the interface characteristics include information from the search query and information from a user interface via which the search query is received, and where the IP characteristics include information associated with a location from which the search query was sent; ordering the search results to

create an ordered list of search results; determining whether the search results in the ordered list of search results are from the particular country; adjusting the order of one of the search results among other ones of the search results to create an adjusted list of search results when the one of the search results is from the particular country; and presenting the adjusted list of search results.

Zha et al. does not disclose or suggest the combination of features recited in amended claim 12. For example, Zha et al. does not disclose or suggest identifying a particular country for the search results based on interface characteristics and Internet protocol (IP) characteristics, where the interface characteristics include information from the search query and information from a user interface via which the search query is received, and where the IP characteristics include information associated with a location from which the search query was sent, as recited in claim 12.

The Examiner alleged that Zha et al. discloses determining at least one preferred country applicable to search results based on characteristics of the search query or the search results and cited column 4, lines 5-65, of Zha et al. for support (final Office Action, page 5); and determining the at least one preferred country using interface characteristics that include at least one country received by a user interface from which the search query was received and cited column 6, lines 5-45, of Zha et al. for support (final Office Action, page 3, with regard to claims 1 and 24). Applicants submit that the disclosure of Zha et al. does not support the Examiner's allegations and, in fact, Zha et al. does not disclose or suggest identifying a particular country for search results based on: (1) information from a search query, (2) information from a user interface via which the search query is received, and (3) information associated with a location from which the search query was sent, as recited in claim 12.

At column 4, lines 5-65, Zha et al. discloses:

FIGS. 2A, 2B, and 2C are flow diagrams that illustrate a technique, according to an embodiment of the present invention, for adjusting a rank of a document, within a list of ranked documents, based on region and language. Referring to FIG. 2A, in block 202, it is determined whether the document is associated with one or more regions. A technique for associating a document with one or more regions is described in further detail below. In one embodiment, a search engine determines whether the document is associated with one or more regions. In one embodiment, each region is a nation.

If the document is not associated with one or more regions, then control passes to block 208 illustrated in FIG. 2B. If the document is associated with one or more regions, then, in block 204, it is determined whether any of the regions that are associated with the document are also associated with a weight. A technique for associating a region with a weight is described in further detail below. In one embodiment, a search engine determines whether any of the regions that are associated with the document are also associated with a weight.

If none of the regions that are associated with the document are associated with a weight, then control passes to block 208 illustrated in FIG. 2B. If one or more of the regions that are associated with the document are associated with a weight, then, in block 206, the most significant weight that is associated with a region that is associated with the document is added to a set of weights. For example, if a document is associated with multiple regions, then a search engine may select a largest numeric weight that is associated with any of those regions and add that weight to a set of weights. Control then passes to block 208 illustrated in FIG. 2B.

Referring to FIG. 2B, in block 208, it is determined whether the document is associated with a language. A technique for associating a document with a language is described in further detail below. In one embodiment, a search engine determines whether the document is associated with a language. In one embodiment, a document is associated with at most one language.

If the document is not associated with a language, then control passes to block 214 illustrated in FIG. 2C. If the document is associated with a language, then, in block 210, it is determined whether a language that is associated with the document is also associated with a weight. A technique for associating a language with a weight is described in further detail below. In one embodiment, a search engine determines whether the language that is associated with the document is also associated with a weight.

If no language that is associated with the document is associated with a weight, then control passes to block 214 illustrated in FIG. 2C. If a language that is associated with the document is associated with a weight, then, in block 212, the most significant weight that is associated with a language that is associated with the document is added to a set of weights. The set of weights is the same set of weights to which a weight that is associated with a region that is associated with the document might have been added. Control then passes to block 214 illustrated in FIG. 2C.

Referring to FIG. 2C, in block 214, it is determined whether the set of weights contains any weights. For example, a search engine may determine whether the set of weights includes a weight that is associated with a region or a weight that is associated with a language.

In this section, Zha et al. discloses a technique for adjusting the rank of a document within a list of ranked documents based on region and language. The technique (i.e., a search engine) determines whether a document is associated with a region, and whether a document that is associated with a region is also associated with a weight. Nowhere in this section does Zha et al. disclose or suggest identifying a particular country for search results, let alone identifying a particular country for the search results based on information from a search query, information from a user interface via which the search query is received, and information associated with a location from which the search query was sent, as recited in claim 12. Instead, Zha et al. discloses, in this section, identifying a region for a particular search result.

At column 6, lines 5-45, Zha et al. discloses:

Associating a Classification Value with a Weight

FIG. 3 is a flow diagram that illustrates a technique, according to an embodiment of the present invention, for associating a classification value with a weight. In block 302, one or more selected classification values are received through a user interface. For example, a search engine may receive, through a user interface, one or more classification values that have been selected by a user. For a more specific example, a user may select a control, on an HTML form, that indicates by its selection that the user is primarily interested in documents that are associated with the German language. For another example, a user may select a control that indicates that the user is chiefly interested in documents that are associated with Switzerland.

In block 304, in response to receiving the selected classification values, the one or more selected classification values are associated with a weight. Each selected classification value may be associated with a different weight. In one embodiment, the user may specify, through the user interface, the weight to be associated with each selected classification value. In another embodiment, each selected classification value is associated with the same weight. Thereafter, when the search engine adjusts a rank of a document in a list of ranked documents, the weights associated with the selected classification values are used in the adjustment.

Alternatively, weights associated with classification values may be obscured from users

of a search engine. A manager of a search engine may associate one or more classification values with weights without input from users of the search engine. One search engine may be configured to use a different set of classification value-weight associations than another search engine. Thus, a search engine located in France may be configured to use a set of region-weight associations in which the French region is weighted, while a search engine located in Germany may be configured to use a set of region-weight associations in which the German region is weighted.

In this section, Zha et al. discloses that a user interface may be used by a user to indicate that the user is primarily interested in documents from one or more countries, and that different weight values are associated with these one or more countries. Nowhere in this section, or elsewhere, does Zha et al. disclose or remotely suggest identifying a particular country for search results based on: (1) information from a search query, (2) information from a user interface via which the search query is received, and (3) information associated with a location from which the search query was sent, as recited in claim 12. Instead, Zha et al. appears to disclose that a user can identify one or more countries of interest using a user interface.

The Examiner also alleged that Zha et al. discloses determining at least one preferred country based on characteristics of search results at column 4, lines 5-35, and in Figs. 2A-2C (final Office Action, pages 13 and 14). Applicants submit that the disclosure of Zha et al. does not support the Examiner's allegation and, in fact, Zha et al. does not disclose or suggest identifying a particular country for search results based on: (1) information from a search query, (2) information from a user interface via which the search query is received, and (3) information associated with a location from which the search query was sent, as recited in claim 12.

Column 4, lines 5-35, of Zha et al. is reproduced above and discusses Figs. 2A-2C. In this section, Zha et al. discloses that it is determined whether a document is associated with a region, and if the document is associated with a region, it is determined whether the region is associated with a weight (column 4, lines 7-24). If the region is associated with a weight, Zha et

al. discloses that the most significant weight that is associated with a region that is associated with the document is added to a set of weights, which is subsequently used to adjust the rank of the document (column 4, lines 27-36). Nowhere in this section does Zha et al. disclose or remotely suggest identifying a particular country for search results, let alone identifying a particular country for the search results based on: (1) information from a search query, (2) information from a user interface via which the search query is received, and (3) information associated with a location from which the search query was sent, as recited in claim 12. Instead, Zha et al. simply discloses identifying a most significant weight associated with a region for a particular document in a list of ranked documents.

The Examiner further alleged that Zha et al. discloses determining at least one preferred country based on characteristics of a search query and cited column 6, lines 5-32, of Zha et al. for support (final Office Action, page 14). Without acquiescing in the Examiner's allegation, Applicants submit that Zha et al. does not disclose or suggest identifying a particular country for search results based on: (1) information from a search query, (2) information from a user interface via which the search query is received, and (3) information associated with a location from which the search query was sent, as recited in claim 12.

Column 6, lines 5-32, of Zha et al. is reproduced above and discloses that a user interface may be used by a user to indicate that the user is primarily interested in documents from one or more countries, and that different weight values are associated with these one or more countries. Nowhere in this section, or elsewhere, does Zha et al. disclose or remotely suggest identifying a particular country for search results based on: (1) information from a search query, (2) information from a user interface via which the search query is received, and (3) information

associated with a location from which the search query was sent, as recited in claim 12. Instead, Zha et al. appears to disclose that a user can identify one or more countries of interest using a user interface.

For at least these reasons, Applicants submit that claim 12 is not anticipated by Zha et al. Claims 18-22 depend from claim 12 and are, therefore, not anticipated by Zha et al. for at least the reasons given with regard to claim 12.

Amended independent claim 25 recites features similar to, yet possibly different in scope from, features recited in claim 12. Claim 25 is, therefore, not anticipated by Zha et al. for at least reasons similar to reasons given with regard to claim 12. Claims 29-33 and 35-40 depend from claim 25 and are, therefore, not anticipated by Zha et al. for at least the reasons given with regard to claim 25.

Amended independent claim 42 recites features similar to, yet possibly different in scope from, features recited in claim 12. Claim 42 is, therefore, not anticipated by Zha et al. for at least reasons similar to reasons given with regard to claim 12. Claims 45-50 and 53-58 depend from claim 42 and are, therefore, not anticipated by Zha et al. for at least the reasons given with regard to claim 42.

Amended independent claim 61 is directed to a system implemented within a computing device. The system comprises a memory to store instructions for implementing: a parser receiving a search query request message and parsing at least one of terms or attributes from the search query request message to identify Web content provided from a plurality of search result countries; an indexer executing a search by evaluating the at least one of terms or attributes against information maintained in a searchable data repository and generating search results

responsive to the executed search; a country promoter identifying a particular country, comprising: a country determiner evaluating characteristics of the search query request message and characteristics of the search results, and selecting the particular country based on interface characteristics and Internet protocol (IP) characteristics, where the interface characteristics include information from the search query message and information from a user interface via which the search query message is received, and where the IP characteristics include information associated with a location from which the search query message was sent; and a country orderer determining an order for at least some of the search results among other ones of the search results based on whether the at least some of the search results are from the particular country; and a processor to execute the instructions in the memory.

Zha et al. does not disclose or suggest the combination of features recited in amended claim 61. For example, Zha et al. does not disclose or suggest a country determiner evaluating characteristics of the search query request message and characteristics of the search results, and selecting the particular country based on interface characteristics and Internet protocol (IP) characteristics, where the interface characteristics include information from the search query message and information from a user interface via which the search query message is received, and where the IP characteristics include information associated with a location from which the search query message was sent, as recited in claim 61.

The Examiner rejected claim 61 for the same reasons given with regard to other claims discussed in the final Office Action (final Office Action, page 10). Applicants traverse the Examiner's rejection and submit that Zha et al. does not disclose or suggest a country determiner evaluating characteristics of the search query request message and characteristics of the search

results, and selecting the particular country based on (1) information from a search query message, (2) information from a user interface via which the search query message is received, and (3) information associated with a location from which the search query message was sent, as recited in claim 61.

The Examiner alleged that Zha et al. discloses determining at least one preferred country applicable to search results based on characteristics of the search query or the search results, and cited column 4, lines 5-65, of Zha et al. for support (final Office Action, page 5). Applicants submit that the disclosure of Zha et al. does not support the Examiner's allegations and, in fact, Zha et al. does not disclose or suggest a country determiner evaluating characteristics of the search query request message and characteristics of the search results, and selecting the particular country based on (1) information from a search query message, (2) information from a user interface via which the search query message is received, and (3) information associated with a location from which the search query message was sent, as recited in claim 61, for at least reasons similar to reasons given with regard to claim 12.

The Examiner also alleged that Zha et al. discloses determining at least one preferred country based on characteristics of search results at column 4, lines 5-35, and in Figs. 2A-2C (final Office Action, pages 13 and 14). Applicants submit that the disclosure of Zha et al. does not support the Examiner's allegation and, in fact, Zha et al. does not disclose or suggest a country determiner evaluating characteristics of the search query request message and characteristics of the search results, and selecting the particular country based on (1) information from a search query message, (2) information from a user interface via which the search query message is received, and (3) information associated with a location from which the search query

message was sent, as recited in claim 61, for at least reasons similar to reasons given with regard to claim 12.

The Examiner further alleged that Zha et al. discloses determining at least one preferred country based on characteristics of a search query and cited column 6, lines 5-32, of Zha et al. for support (final Office Action, page 14). Without acquiescing in the Examiner's allegation, Applicants submit that Zha et al. does not disclose or suggest a country determiner evaluating characteristics of the search query request message and characteristics of the search results, and selecting the particular country based on (1) information from a search query message, (2) information from a user interface via which the search query message is received, and (3) information associated with a location from which the search query message was sent, as recited in claim 61, for at least reasons similar to reasons given with regard to claim 12.

For at least these reasons, Applicants submit that claim 61 is not anticipated by Zha et al. Claims 64-68 depend from claim 61 and are, therefore, not anticipated by Zha et al. for at least the reasons given with regard to claim 61.

Amended independent claim 69 recites features similar to, yet possibly different in scope from, features recited in claim 61. Claim 69 is, therefore, not anticipated by Zha et al. for at least reasons similar to reasons given with regard to claim 61. Claims 72-76 depend from claim 69 and are, therefore, not anticipated by Zha et al. for at least the reasons given with regard to claim 69.

Amended independent claim 79 is directed to a method that comprises receiving a search query from a user; performing a search, based on the search query, to identify a group search results; ordering the group of search results to form a first ordered list of search results;

identifying a country for the group of search results based on interface characteristics and Internet protocol (IP) characteristics, where the interface characteristics include information from the search query and information from a user interface via which the search query is received, and where the IP characteristics include information associated with a location from which the search query was sent; determining whether each search result in the first ordered list of search results is from the identified country; adjusting, for each of the search results that is from the identified country, a position of the search result within the first ordered list of search results to create a second ordered list of search results, where the second ordered list of search results is different from the first ordered list of search results; presenting the second ordered list of search results; and permitting the user to toggle between presentation of the first ordered list of search results and the second ordered list of search results.

Zha et al. does not disclose or suggest the combination of features recited in amended claim 79. For example, Zha et al. does not disclose or suggest permitting a user to toggle between presentation of a first ordered list of search results and a second ordered list of search results, where the second ordered list of search results is created by adjusting, for each of the search results that is from an identified country, a position of the search result within the first ordered list of search results, and the second ordered list of search results is different from the first ordered list of search results. Instead, Zha et al. discloses only presenting an adjusted, ranked list of documents (column 5, lines 3-17).

For at least these reasons, Applicants submit that claim 79 is not anticipated by Zha et al.

Accordingly, Applicants request reconsideration and withdrawal of the rejection of pending claims 12, 18-22, 25, 29-33, 35-40, 42, 45-50, 53-58, 61, 64-69, 72-76, and 79 under 35

U.S.C. § 102(e) based on Zha et al.

OBVIOUSNESS-TYPE DOUBLE PATENTING REJECTION

In paragraph 5 of the final Office Action, the Examiner rejected pending claims 12, 25, 42, 61, and 69 under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 5, 18, 30, 52, 75, 87, and 100 of co-pending Application No. 10/407,476 in view of Zha et al. Applicants respectfully traverse this rejection.

Without acquiescing in the Examiner's rejection, but simply to expedite prosecution, Applicants submit concurrently herewith a Terminal Disclaimer, disclaiming the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on co-pending Application Number 10/407,476, as such term is defined in 35 U.S.C. §§ 154 and 173. The Terminal Disclaimer should render moot the obviousness-type double patenting rejection.

For at least the foregoing reasons, Applicants respectfully request the reconsideration and withdrawal of the judicially created doctrine of obviousness-type double patenting rejection of pending claims 12, 25, 42, 61, and 69 as allegedly unpatentable over claims 5, 18, 30, 52, 75, 87, and 100 of co-pending Application No. 10/407,476 in view of Zha et al.

NEW CLAIMS

New independent claim 90 is directed to a computer-readable memory device comprising computer-executable instructions. The computer-readable memory device comprises one or more instructions for receiving a search query via a user interface; one or more instructions for executing a search to generate search results from a plurality of countries; one or more instructions for determining a particular country, comprising: one or more instructions for

evaluating characteristics of the search query and characteristics of the user interface, where the characteristics of the search query differ from the characteristics of the user interface; and one or more instructions for selecting the particular country based on interface characteristics and Internet protocol (IP) characteristics, where the interface characteristics include information from the search query and information from a user interface via which the search query is received, and where the IP characteristics include information associated with a location from which the search query was sent; one or more instructions for ordering at least some of the search results among other ones of the search results based on whether the at least some of the search results are from the particular country; and one or more instructions for presenting the ordered search results.

Zha et al. does not disclose or suggest the combination of features recited in claim 90. For example, Zha et al. does not disclose or suggest one or more instructions for determining a particular country, comprising: one or more instructions for evaluating characteristics of the search query and characteristics of the user interface, where the characteristics of the search query differ from the characteristics of the user interface; and one or more instructions for selecting the particular country based on interface characteristics and Internet protocol (IP) characteristics, where the interface characteristics include information from the search query and information from a user interface via which the search query is received, and where the IP characteristics include information associated with a location from which the search query was sent, as recited in claim 90.

The Examiner alleged that Zha et al. discloses determining at least one preferred country applicable to search results based on characteristics of the search query or the search results and

cited column 4, lines 5-65, of Zha et al. for support (final Office Action, page 5); and determining the at least one preferred country using interface characteristics that include at least one country received by a user interface from which the search query was received and cited column 6, lines 5-45, of Zha et al. for support (final Office Action, page 3, with regard to claims 1 and 24). Applicants submit that the disclosure of Zha et al. does not support the Examiner's allegations and, in fact, Zha et al. does not disclose or suggest one or more instructions for determining a particular country, comprising: one or more instructions for evaluating characteristics of the search query and characteristics of the user interface, where the characteristics of the search query differ from the characteristics of the user interface; and one or more instructions for selecting the particular country based on (1) information from the search query, (2) information from a user interface via which the search query is received, and (3) information associated with a location from which the search query was sent, as recited in claim 90, for at least reasons similar to reasons given with regard to claim 12.

The Examiner further alleged that Zha et al. discloses determining at least one preferred country based on characteristics of a search query and cited column 6, lines 5-32, of Zha et al. for support (final Office Action, page 14). Without acquiescing in the Examiner's allegation, Applicants submit that Zha et al. does not disclose or suggest one or more instructions for determining a particular country, comprising: one or more instructions for evaluating characteristics of the search query and characteristics of the user interface, where the characteristics of the search query differ from the characteristics of the user interface; and one or more instructions for selecting the particular country based on (1) information from the search query, (2) information from a user interface via which the search query is received, and (3)

information associated with a location from which the search query was sent, as recited in claim 90, for at least reasons similar to reasons given with regard to claim 12.

For at least these reasons, Applicants submit that claim 90 is not anticipated by Zha et al.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of the application and the timely allowance of pending claims 12, 18-22, 25, 29-33, 35-40, 42, 45-50, 53-58, 61, 64-69, 72-76, 79, and 90.

As Applicants' remarks with respect to the Examiner's rejections overcome the rejections, Applicants' silence as to certain assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to dispute these assertions/requirements in the future.

If the Examiner does not believe that all pending claims are now in condition for allowance, the Examiner is urged to contact the undersigned to expedite prosecution of this application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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